

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 08, 2018

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Antonio Raul Ayala

Case Number: 0980 2:10CR00063-SMJ-1

Address of Offender: [REDACTED]

Name of Sentencing Judicial Officer: The Honorable Salvador Mendoza, U.S. District Judge

Date of Original Sentence: November 30, 2010

Original Offense: Felon in Possession of a Firearm and Ammunition, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 66 months
TSR - 36 months

Type of Supervision: Supervised Release

Revocation Sentence: Prison - 4 months
January 9, 2018
TSR - 24 months

Asst. U.S. Attorney: George J. C. Jacobs, III

Date Supervision Commenced: May 8, 2018

Defense Attorney: Federal Defender's Office

Date Supervision Expires: May 7, 2020

PETITIONING THE COURT

To issue a **warrant**

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<u>Special Condition #3:</u> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.
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Supporting Evidence: On May 10, 2018, Mr. Ayala's conditions of supervision were reviewed with him. He signed his conditions, acknowledging an understanding of his conditions, to include special condition number 3, as noted above.

Mr. Ayala violated his conditions of supervised release by using methamphetamine on May 22, 2018.

On May 25, 2018, Mr. Ayala reported to the probation office as directed after the undersigned officer learned that Mr. Ayala provided a positive methamphetamine test with the Washington State Department of Corrections (DOC). Mr. Ayala admitted to using methamphetamine on May 22, 2018, and signed a drug use admission form.

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- 2 **Special Condition # 3:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On May 10, 2018, Mr. Ayala's conditions of supervision were reviewed with him. He signed his conditions, acknowledging an understanding of his conditions, to include special condition number 3, as noted above.

Mr. Ayala violated his conditions of supervised release by failing to appear for random urinalysis testing at Pioneer Human Services on May 30, and June 1, 2018.

On May 30, and June 1, 2018, the color of the day was brown 1, Mr. Ayala's assigned color for random urinalysis testing at Pioneer Human Services (PHS). According to the PHS roster for urinalysis testing on both dates, Mr. Ayala failed to appear.

- 3 **Special Condition # 3:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On May 10, 2018, Mr. Ayala's conditions of supervision were reviewed with him. He signed his conditions, acknowledging an understanding of his conditions, to include special condition number 3, as noted above.

Mr. Ayala violated his conditions of supervised release by using methamphetamine on June 5, 2018.

On June 5, 2018, Mr. Ayala reported to the probation office at the direction of the undersigned officer. Mr. Ayala submitted to a urinalysis test, and the sample tested presumptive positive for methamphetamine. When questioned about the positive sample, Mr. Ayala denied using any illicit drugs repeatedly. The urine sample was sent to Alere Toxicology for further testing. The results are pending.

- 4 **Special Condition # 2:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: On May 10, 2018, Mr. Ayala's conditions of supervision were reviewed with him. He signed his conditions, acknowledging an understanding of his conditions, to include special condition number 2, as noted above.

On June 7, 2018, Mr. Ayala had a confirmed chemical dependency evaluation at PHS. The undersigned and Mr. Ayala spoke several times about his chemical dependency evaluation and the importance of him attending. On June 7, 2018, PHS staff advised the undersigned officer that Mr. Ayala was a no show for his chemical dependency evaluation.

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The U.S. Probation Office respectfully recommends the Court **issue a warrant** requiring the offender to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

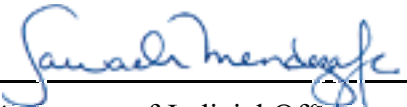
Executed on: 06/08/2018

s/Corey M. McCain

Corey M. McCain
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other


Signature of Judicial Officer

June 8, 2018

Date